

BOARD OF ZONING APPEALS

Minutes

September 26, 2000

The meeting of the Board of Zoning Appeals of the City of Wichita, Kansas, was held at 1:30 p.m., on September 26, 2000, in the Planning Department Conference Room, Tenth Floor of City Hall, 455 N. Main, Wichita, Kansas.

The following Board members were in attendance: FLOYD PITTS, JOHN ROGERS, JAMES P. RUANE, RANDY PHILLIPS, and MARY DE SENA. The following Board members were absent: BRADLEY TIDEMANN and JAMES B. SKELTON.

The following Planning Department staff members were present: DALE MILLER, Secretary, SCOTT KNEBEL Assistant Secretary, Recording Secretary, ROSE SIMMERING.

Also present SHARON DICKGRAFE -- Assistant City Attorney and J.R.COX -- Commercial Plan Review/Commercial Zoning -- Office of Central Inspection.

PITTS: We do apparently have a quorum so the Board of Zoning Appeals will come to order. I am going to ask the Secretary to call the role please.

SIMMERING: Calls role.

PITTS: The first item on the Agenda is the approval of minutes from the August 22, 2000 meeting. Has everyone had an opportunity to review these minutes?

PHILLIPS: I can't speak for everybody, but I have had a chance to review them and regarding the importance of the second case we had last time, there is enough unclear statements in here that I would like to defer approval of these minutes until next time. We really need a chance to go through and read them because by getting them I need to kind of look at these a little bit and make sure that these things are clear. I think a lot of it is punctuating and meaning and everything. But if this thing does come back and there is a court case on it then I think to me it would benefit all of us to take another 30 days to make sure that everything is correct in here.

RUANE: I second the motion. Sharon, look at some of the stuff on page six in particular, I think it gets kind of...

PHILLIPS: And there was some clarification, I think, needed in the first case, but, I am referring more to the second case on the microwave tower. I guess that is the case that I am referring to. So, I would like to make sure that we take the next 30 days and get this thing right.

PITTS: Alright, you have moved to defer for 30 days and I do have a second to the motion.

PHILLIPS moves RUANE second to defer the meeting minutes for Augusts 22, 2000 be deferred for 30 days.

MOTION CARRIES 5-0.

PITTS: We will defer these until the next meeting time.

PHILLIPS: I hope that is not an imposition on staff.

DICKGRAFE: Nothing from a legal standpoint has been filed so it won't have any effect there.

SIMMERING: That is fine, I don't think we are going to meet next month because we don't have any new cases, but the next meeting, they will be on the next meeting Agenda.

PHILLIPS: Okay, what I will try to do is to go through this thing and if I have any questions maybe bring those to your attention early enough were we can get some clarification and discuss those. I mean just trying to get all these things done, I know it is difficult, so sometimes, the implied meaning could have an implication.

PITTS: Very well. Case number BZA2000-34, Newman University.

MILLER: Board members, I might let you know that Lisa Van de Water left and is no longer on staff, and she moved to Oregon. I don't remember whether that was mentioned when we last met or even if she knew she was leaving then. But, Scott Knebel has agreed to take over the duties of this Board for the time being until we get that position filled. So, I just want to introduce him, he has been on staff here for a couple of three years so I am sure he will be able to do a good job.

KNEBEL: The request before you today is a request for two variances, the variances are for the same sign. One of the variances would be to increase the size of the sign above the maximum allowable of 48 square feet to 132.5 square feet. The second variance would be to increase the height of the sign above the maximum allowable, which is 20 feet, up to 30 feet.

The sign requested is for Newman University. The location of the sign would be on a building which is located on this parcel here (indicating) which is just south of Kellogg and east of Sheridan. The applicant has requested the sign to permit motorist traveling along Kellogg to identify the University.

This is an aerial of the site. The aerial is a little outdated. They have recently constructed a building on this site, which they would attach the sign to. This is the site plan showing in the area here where the site sign would be located so that it would be seen from Kellogg.

This is a rendering, which was submitted by the applicant, of what the sign would look like on the side of the building. This is what the sign would like with the dimension there that would be 36-inch letters for Newman and 20-inch letters for

the word, University.

This is a picture of the building. The arrow actually is not pointing where the sign would be that is just pointing south, or pointing north so that you know that you are looking to the south. This is another picture that doesn't show up well, but, that is what you would see looking towards the sign. I think the sign would be this location right in here (indicating) and that is a picture from Kellogg, which shows how the sign would be visible. These are the properties to the east, it is not real apparent but there are some apartment buildings in the distance there to the east and there are some offices across Kellogg and some other commercial type uses across Kellogg from the site. You can see there that the over-pass shields the site from ground level view from just about any of the properties on the other side of Kellogg. I don't expect that the sign would be visible from the ground. You would actually have to be elevated or on the second floor of one of those buildings.

RUANE: My question is, the mixed use that is on the south side of Kellogg, is that owned by the University?

KNEBEL: No, the University's property, well, on the south side of Kellogg?

RUANE: Yes.

KNEBEL: Yes, there is. The property on the south side of Kellogg is all of the University Campus there although when I referred...

RUANE: There are some apartments?

KNEBEL: You own the apartments too? (too member of audience)...Okay. This is looking west at some industrial properties that are across K-42 from the site. Looking east, excuse me.

Going through the criteria on this case, the planning staff has found that each of the criteria do fit. As far as the uniqueness of this property, it is subjected to sign standards which are intended for the identification of apartment buildings. In this case the building sign is really serving a different purpose then just identifying the single building, it is identifying an entire University Campus which encompasses many acres. In addition the property is located along an expressway and is blocked from view in many directions which makes it difficult to see the sign were it limited to the 20 foot height that the code requires.

The adjacent properties would not have any adverse impacts we don't feel. The view of the sign would be obstructed by Kellogg from the properties north of the University. The properties east and west would just have a side view and they are actually located quite a distance from the sign.

The hardship, the facility is not readily identified from Kellogg given the overpass especially for those people who are traveling westbound. The identification sign as I mentioned before is for more than just one building it is for the entire campus.

The public interest, we find that the sign is tasteful in design and as minimal lighting.

The spirit and the intent indicate that the signage would make it easier to locate the facility but quite frankly it is really more than just the facility but the entire campus.

Based on these findings staff is recommending that the sign variance for the size and the height be granted and that it be subject to several conditions:

1. The sign be placed in substantial conformance with the indicated on the site plan which is attached to your secretary's report.
2. That the sign be limited to 132.5 square feet in size and 30 feet in overall height.
3. The applicant obtain all necessary permits and the sign be erected within one year.

With that, I will close and answer any questions.

PITTS: Any questions of staff's presentation? Let me ask you this, you might not have any recall but some staff may, what signage accommodations did we make for Friends University, four or five years ago?

MILLER: There was a pole sign with a electronic reader board that is out in front of their activity center, I don't remember the size just off the top of my head just driving by it I think this would be similar in nature in terms of the size.

PITTS: Thank you.

PHILLIPS: That one I think, it had like this one it was a variance for the size of the sign as well as the height. I think the real question there was the reader board on that. But, it is right out on Kellogg, it is very close to the right-of-way and the property lines, and it is probably about 35 feet tall I think.

PITTS: Any other questions of staff? Are there members in the audience to speak in favor of the variance? Please approach and identify yourself.

MARK DRESSELHAUS, Vice President for Finance and Administration at Newman University: I am here to speak in favor of this change. I think many of you, I hope, have seen the site that the building is on. What the University has set out to do was to build a fine arts and athletic facility for our students and for our community in Wichita. In doing that we paid special attention to the design of the facility, where it was located between McCormick and US-54 and we did that in order to from our standpoint to provide better visibility to the campus and more recognition. One of the issues with where we are situated on the Kellogg side is that of appropriate signage. Because of the academic and athletic use of these buildings we have elected to go with a sign design that is not an advertising billboard or message sign or something like that. What we are requesting is what

we think is a very tasteful sign oriented towards the Wichita community. The reason for the variance is of course is that the letters need to be larger to be seen and that is what we are requesting here. We were very much concerned and Boggs Sign Company came up with a very good design for us that we felt was fitting with the academic nature of the campus and with the image that we were trying to project which is one that is being a high quality educational institution within the City of Wichita. There are probably other things I could say about this but I would like to answer any questions you might have or might want to direct at me.

PITTS: Any questions that you might want to direct to Mr. Dresselhaus? Thank you very much. Are there any other members of the audience to speak in favor of the variance? Are there any members of the audience to speak in opposition to the variance request? Seeing none we will restrict the conversation to the bench. If there is no further discussion, chair is in a position to entertain a motion for this request.

PHILLIPS moves and RUANE seconds that the Board accept the findings of fact as set forth in the Secretary's Report; and that all five conditions set out in Section 2.12.590 (b) of the City code as necessary for the granting of a variance have been found to exist and that the variance be granted subject to the conditions as set out in the Secretary's Report. Regarding BZA2000-000034 note that there are two variances in application here, 1) To increase the maximum area of a building sign from 48 square feet to 132.5 square feet and 2) Variance to increase the maximum height of a building sign from 20 feet to 30 feet in overall height.

PITTS: That is for both size and height, Randy?

PHILLIPS: Is there a second?

RUANE: Second.

MOTION CARRIES 5-0.

PITTS: J.R. Cox, do you have a report for Central Inspection?

COX: Yes, I have three BZA to report on today. BZA16-99 this was a variance to reduce required height compatibility setback on a communication tower in Carriage Parkway, Central and Carriage Parkway, that BZA is in compliance. The second BZA is 21-99. This was a two part variance, it allowed encroachment into a front setback and allowed a roof sign. The roof sign was withdrawn. This location was 138 N. Washington. The BZA is valid. The property has not been developed. So at some future time that could happen.

PHILLIPS: Was that for the Diner?

COX: Yes. They cleared it and that was about as far as it got.

PHILLIPS: And so, what was the date on that?

COX: It was August 25, 1999.

DESENA: Did that expire?

COX: No it had no expiration date.

RUANE: I think that is mute. I think the project is mute.

PITTS: They had one year to start that didn't they?

COX: There was no expiration date so it will run with the property. Someone else could take it and use it. The last one is BZA 22-99, which was 257 N. Battin, it is allowing encroachment in the front and street side setbacks. That BZA is in compliance.

As a note of information something you might interesting. Last month's meeting there was a case on a school down at 1221 E. Gillen. It was to allow parking in the front and the side yard setbacks up to the property line. As I think you probably well remember, the parking lot was already there. At the time the only permits that they had were conditional permits for the slab and utilities of the building so the parking lot was put in a little before it probably should have been.

PHILLIPS: That is why Central Inspection didn't know anything about it so they just went a little further than they should have?

COX: Yes. Unfortunately, that does seem to happen sometimes. They get the conditional permit, and they get going. If there are any questions I will try and answer them, if not my report is concluded.

RUANE: Any suggestion on how to avoid that last occurrence?

COX: The Building Inspectors monitoring the area and finding it would be the only way. Once they get a permit on-site and it is conditional, they start going. In theory they should not be able to call for anymore inspection, but they could have a conditional far enough along that essentially you would have a complete building before the next inspection would be necessary.

PHILLIPS: Were you able to verify the width of that sidewalk that they were talking about? Because it was mentioned on the plan, but obviously I think it was built. I didn't want to say it there but I think it was built closer than that. I think they encroached on even the dimension that they specified.

COX: No, but the Inspector will.

PHILLIPS: Because it wasn't 6 ½ feet.

COX: It did not look it did it?

PHILLIPS: It looked like they went right to the existing sidewalk which was 4 feet.

COX: Right. Anymore questions?

PITTS: Do we have any other additional business to come before the BZA? I might mention that the Secretary Dale Miller was out to the University as a guest instructor in Urban Land Development one day this week and did a tremendous job. Thank you Dale.

MILLER: Thank you.

MEETING ADJOURNED: 2:30 p.m.